

REMARKS

Applicant thanks the Examiner for indicating the allowance of claims 1-10, 12-18, 22, and 23.

In the Office Action, the Examiner rejected claims 19-21 and 25 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,134,454 to Foladare et al. (*Foladare*) and rejected claim 26 under 35 U.S.C. § 103(a) as unpatentable over *Foladare* in combination with official notice. Claims 1-10, 12-23, 25, and 26 are currently pending.

35 U.S.C. § 102(e)

Applicant traverses the rejection of claims 19-21 and 25 under 35 U.S.C. § 102(e). In order to properly anticipate these claims under 35 U.S.C. § 102(e), *Foladare* must explicitly disclose each and every limitation recited in the claims. (See M.P.E.P. § 2131). If *Foladare* fails to expressly set forth a particular limitation, then the Examiner must show that this limitation is inherently disclosed to substantiate a claim of anticipation. See *In re Robertson*, 169 F.3d 743, 745 (Fed. Cir. 1999). To establish inherency, the Examiner must specifically identify extrinsic evidence that makes clear to one skilled in the art that the missing limitation "is necessarily present" in the *Foladare* disclosure. See *id.*; see also *Continental Can Co. v. Monsanto Co.*, 948 F.2d 1264, 1269 (Fed. Cir. 1991).

Claim 19 recites a method for communications, comprising the steps of: providing an element for performing the step of sending a communications request from an originating station to a plurality of individual stations, including a query for searching information stored at each of the plurality of individual stations; and providing an element for performing the step of receiving a response from only individual stations which have information stored that satisfies said query.

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Foladare lacks both of the steps recited in claim 19. Instead, *Foladare* discloses a system that receives schedule information from a specific user's PDA or other scheduling device, polls a location device to determine the user's actual location at scheduled times, compares the user's actual location with the user's scheduled location for the scheduled time, and notifies the user if the user is not at the scheduled location at the scheduled time. (See Fig. 4 and related text).

Foladare does not perform any steps involving a query as recited in claim 19. For example, the specification describes one embodiment of the invention that uses a query as follows:

The originator goes off hook and submits a location or status address query 915. That query takes the form, in this example, of "license = VA ABC1234" meaning I would like to speak with vehicle whose license equals Virginia license ABC1234. That query is broadcast from the cellular central office to all recipients within the cells serviced by the cellular central office (920). Each station within the broadcast area from the cells of the cellular central office 905 checks its data base to see if the query is satisfied by the information stored there. In other words, each station checks its data base to see if the vehicle license number Virginia ABC1 234 is entered in the license field of the data base. This occurs at 925. At 930, if a match is found, the station responds with its identification (930). The central office detects a response and assigns an empty communications channel in the cellular spectrum to the originator and recipient of the call (935 and 940).

(Specification pages 23-24).

Foladare, in contrast, sends a poll request to a single location device, such as a pager, and receives location information about that one specific device. *Foladare* does not teach or suggest sending a query to many different receiving stations and receiving responses only from those stations having information satisfying the query. Specifically, to check the specific device's location at scheduled times, *Foladare* discloses:

A polling step 89 is then used at or near the specific meeting time to determine the actual location of a second communications device 78. For example, second communications device 78 is a pager operably contained within communications device 12 or carried by user 34 and is polled by paging network 14 to determine its approximate location in a manner known in conventional paging technology. Depending on system limits and/or configurations, polling is performed periodically, i.e., at a specified rate, or is performed continuously in a manner that is limited only by system constraints, cost and like considerations.

For example, if transmitter 44 (see FIG. 1) is a two-way pager, the geographic location of communications device 12 is determined from the location of the two-way pager by a paging antenna, e.g., a tower, of a conventional two-way paging system. However, it is understood to one skilled in the art that any two-way wireless communications device that is served by only one wireless communications source, e.g., an antenna or tower, at any particular time is suitable for identifying the geographic location of the communications device. This includes the use of a global positioning system (GPS).

(Col. 7, lines 3-22).

Thus, *Foladare* discloses polling a single pager, not a plurality of individual stations as recited in claim 19. *Foladare*'s system sends out a poll, which is merely a request for acknowledgement or location information that requires no searching, not a search query as recited in claim 19. When polled, the pager merely transmits an acknowledgment (which is combined with tower information to determine the pager's location); it does not search for stored information based on a query as recited in claim 19. The *Foladare* network unconditionally receives a response regarding the single polled pager; it does not receive a response from only individual stations which have information stored that satisfies said query as recited in claim 19.

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Regarding dependent claim 21, the Examiner cites *Foladare's* disclosure that "network 16 is updated with accessible information identifying a location where user 34 is proposing to be at a specific time in the future" (col. 6, line 67 - col. 7, line 2) as teaching "said query can be against information about location, status, or history" as recited in claim 21. "Said query" in claim 21, however, refers to the query for searching information stored at each of the plurality of individual stations" from claim 19. *Foladare* teaches storing a user's scheduled location in a database at the network, not at the user's remote device, such as pager 78 or communication device 12. (See col. 5, lines 31-33). Thus, *Foladare* does not disclose a query for searching information stored at each of the plurality of individual stations.

For at least the foregoing reasons, *Foladare* fails to disclose each and every element recited in independent claim 19. Accordingly, Applicant respectfully submits that claim 19 is allowable over *Foladare*. Applicant further submits that independent claim 25, which recites features similar to those recited in claim 19, is also allowable for at least the same reasons as claim 19. Finally, Applicant submits that claims 20, 21, and 26, which depend directly from claims 19 and 25, are also allowable at least by virtue of their dependence from allowable independent claims, as well as for the additional reasons stated above. Therefore, Applicant respectfully requests that the Examiner withdraw the 35 U.S.C. § 102 rejections of all these claims.

35 U.S.C. 103 Rejections

Applicant traverses the rejection of claim 26 under 35 U.S.C. § 103(a). To establish a *prima facie* case of obviousness under 35 U.S.C. § 103, the Examiner must demonstrate that (1) *Foladare* discloses or suggests each and every limitation recited in the claims; (2) there is a reasonable probability of success of any modification of the

teachings of *Foladare*, and (3) there exists some suggestion or motivation, either in the teachings of *Foladare* itself or in the knowledge generally available to one of ordinary skill in the art, to make such a modification in a manner resulting in the claimed invention. (See M.P.E.P. § 2143). Furthermore, each of these requirements must be found in the prior art - not based on Applicants' own disclosure. (See *id.*).

Among other things, claim 26 recites "said information stored at a called station is location information and in which said computer program includes instructions for obtaining location information from a plurality of stations and for displaying said location information on a moving map display."

As noted above, *Foladare* does not disclose or suggest several of these features with respect to claim 25, from which claim 26 depends, and the same is true for claim 26. For example, "said information stored at a called station" refers to the information stored at the one or more called stations that satisfies a search query sent by the calling station. As explained above, *Foladare* does not disclose or suggest information stored at a called station that is searched for to satisfy a search query. In addition, *Foladare* does not disclose or suggest obtaining location information from a plurality of stations. Instead *Foladare* discloses requesting and receiving a single polling response from a single location device and determining that one device's location.

Accordingly, a *prima facie* case of obviousness under 35 U.S.C. § 103 does not exist because *Foladare* does not disclose or suggest each and every limitation recited in claim 26. Accordingly, Applicant respectfully requests that the Examiner withdraw the 35 U.S.C. § 103 rejections of claim 26. Should the Examiner maintain this rejection based in part on Official Notice, Applicant respectfully requests that the Examiner provide a valid reference in support of the Official Notice.

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In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

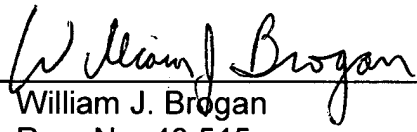
Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: February 9, 2004

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